

REMARKS

Claims 1-3, 5 and 8-22 are pending in this application. Claims 13-22 are withdrawn from consideration

I. Rejections Under 35 U.S.C. §103(a)**A. Breault**

The Office Action rejects claims 1-3, 5, 8-9 and 11-12 as allegedly being unpatentable over U.S. Patent No. 6,020,083 ("Breault"). Applicants respectfully traverse this rejection.

Breault describes a membrane electrode assembly ("MEA") for a fuel cell intended to simplify and reduce the cost of production of such cells. See Breault, column 1, lines 5-10. The Patent Office asserts that Breault allegedly discloses a disassembly method comprising the step of supplying water to the fuel cell assembly. Applicants respectfully disagree.

Breault describes performing a leakage test on an exemplary substrate, gas diffusion by-layer and water transport plate assembly. See Breault, column 6, lines 32-56. The purpose of the leakage test is to determine whether or not the seals of the assembly readily leak under pressure. However, Breault fails to describe any disassembly of a fuel cell, let alone a disassembly method comprising the step of providing a fluid supply for disassembly of the fuel cell to facilitate disassembly of the fuel cell, as recited in claim 1. Additionally, Breault fails to provide any reason or rationale for one of ordinary skill in the art to have attempted a fuel disassembly method including the step of providing a fluid supply for disassembly, as recited in claim 1.

Therefore, Breault fails to render obvious claims 1-3, 5, 8-9 and 11-12. Withdrawal of the rejection is respectfully requested.

B. Breault In View Of Iwase

The Office Action rejects claim 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over Breault in view of U.S. Patent No. 5,718,984 ("Iwase"). Applicants respectfully traverse this rejection.

For at least the reasons discussed above, Breault fails to render obvious claim 1. Therefore, Breault also fails to render obvious dependent claim 10.

Iwase describes a method of recovering the electrolyte membrane from a fuel cell, the method including peeling first the cathode, then the anode, from the electrolyte membrane wall as the apparatus is being soaked in methanol. Iwase, Abstract, and column 9, lines 15-25. Claim 10, however, recites an external force applied in directions of parting the pair of separators from each other during the step of providing a fluid supply for disassembly of the fuel cell. Claim 10, therefore, recites a method of parting the separators of a fuel cell, not the individual components of the MEA, as is discussed in Iwase. For at least this reason, Iwase does not describe the method of claim 10, and thus fails to remedy the deficiencies of Breault with respect to claim 10.

Therefore, Breault and Iwase, whether taken independently or in concert, fail to render obvious claim 10. Withdrawal of the rejection is respectfully requested.

II. Rejoinder Of Claims

The Office Action rejects Applicants traversal of the Restriction Requirement, asserting that U.S. Patent No. 6,610,435 ("Maruyama") allegedly teaches the technical feature of a fuel cell comprising an electrode assembly with gaskets located on the periphery of the electrode assembly, and that the gaskets are sealing layers as recited in claims 1, 13-15 and 20. Applicants respectfully disagree.

Maruyama discloses that the gasket is formed on the solid polymer electrolyte membrane marginal portion by injection molding. Maruyama, column 4, lines 38-41.

Maruyama fails to disclose sealing layers located to surround the periphery of the electrode assembly, as is required by the present claims.

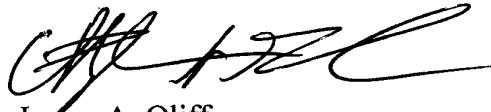
Therefore, Maruyama fails to describe each and every element of the single general inventive concept of independent claims 1, 13-15 and 20. Accordingly, withdrawal of the Restriction Requirement and rejoinder of claims 13-22 is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5 and 8-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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